

REMARKS

In response to the final Office Action dated June 12, 2008, the Assignee respectfully requests continued examination and reconsideration based on the above amendments and on the following remarks.

Claims 48-53, 58-63, and 68-73 are pending in this application. Claims 54-57, 64-67, and 74-77 are canceled without prejudice or disclaimer. Claims 1-47 were previously canceled without prejudice or disclaimer.

Rejection of Claims under § 112

The Office rejected the pending claims under 35 U.S.C. § 112, first paragraph, for allegedly failing to comply with the written description requirement.

The Office first rejects independent claims 48, 58, and 68 for reciting a keyboard signal that “instructs the computer to deactivate a screen saver.” These features have been deleted without prejudice or disclaimer.

The Office also rejected claims 48, 58, and 68 for reciting features related to television actions. These features have been deleted without prejudice or disclaimer.

The Office also rejected claims 50 and 60 for reciting features related to predominate actions. These features have been deleted without prejudice or disclaimer.

The remaining dependent claims were rejected as being dependent on independent claims 48, 58, and 68. As independent claims 48, 58, and 68 no longer recite the rejected features, the Office is respectfully requested to remove the § 112 rejection of the pending claims.

Rejection of Claims under § 103 (a)

Claims 48-49, 58-59, and 68-69 were rejected under 35 U.S.C. § 103 (a) as being obvious over U.S. Patent Application Publication 2002/0144259 to Gutta, *et al.* in view of U.S. Patent 6,282,655 to Given.

These claims, however, cannot be obvious over *Gutta* and *Given*. These claims recite, or incorporate, features that are not taught or suggested by *Gutta* and *Given*. Independent claim 48, for example, recites “*executing the at least one action, the at least one action comprising i) instructing the computer to take no action, ii) instructing the computer to request a home web page, iii) instructing the computer to receive emails, and iv) instructing the computer to deactivate a screen saver.*” Support for such features may be found at least in the as-filed application at paragraphs [0026] and [0027]. For the Examiner’s convenience, independent claim 48 is reproduced below, and independent claims 58 and 68 recite similar features.

48. A method, comprising:

transmitting an activation signal from a presence detector to an interface unit connected in a series connection between a computer and a keyboard;

in response to the activation signal, receiving an identification signal at the presence detector, the identification signal comprising a user identifier that identifies a user associated with a transponder;

when the presence detector determines that the user is in the vicinity of the computer, sending a signal from the presence detector to the interface unit;

sending a keyboard signal from the interface unit over the series connection to the computer, the keyboard signal comprising the user identifier;

querying for a user profile associated with the user identifier;

accessing the user profile to determine at least one action to be executed in response to the user identifier;

executing the at least one action, the at least one action comprising i) instructing the computer to take no action, ii) instructing the computer to request a home web page, iii) instructing the computer to receive emails, and iv) instructing the computer to deactivate a screen saver;

sending the user identifier to a presence database;

querying the presence database for other user identifiers associated with the user identifier; and
receiving presence updates identifying presence of the other user identifiers.

Gutta and *Given* do not obviate all these features. *Gutta* discloses an entertainment system that uses audio/visual devices to detect a user. See U.S. Patent Application Publication 2002/0144259 to *Gutta, et al.* at paragraphs [0005], [0012], and [0018]. When users are detected, a composite profile is created. See *id.* at paragraph [0020]. *Given* describes a motion detector that sends a signal to a keyboard interface. See U.S. Patent 6,282,655 to *Given* at column 2, lines 5-20. If the user is detected, but not typing on the keyboard, the keyboard interface sends a “harmless keystroke” to the computer to prevent security software from locking the terminal. *Id.* at column 2, lines 50-62.

Even so, *Gutta* and *Given* do not obviate the independent claims. Both *Gutta* and *Given* fail to teach or suggest “*executing the at least one action, the at least one action comprising i) instructing the computer to take no action, ii) instructing the computer to request a home web page, iii) instructing the computer to receive emails, and iv) instructing the computer to deactivate a screen saver.*” The combined teaching of *Gutta* and *Given* is, quite simply, silent to all these features.

Claims 48-49, 58-59, and 68-69, then, are not obvious over *Gutta* and *Given*. Independent claims 48, 58 and 68 recite many features that are not taught or suggested by *Gutta* and *Given*. The dependent claims incorporate these features and recite additional features. *Gutta* and *Given*, then, do not obviate these claims, so the Office is respectfully requested to remove the § 103 (a) rejection of these claims.

Rejection of Claims 50-51, 60-61 & 70-71 under § 103 (a)

The Office rejected claims 50-51, 60-61, and 70-71 under 35 U.S.C. § 103 (a) as being obvious over *Gutta* and *Given* in view of U.S. Patent Application Publication 2002/0194586 to *Gutta, et al.* (hereinafter “*Gutta IP*”).

The combined teaching of *Gutta*, *Given*, and *Gutta II*, though, cannot obviate these claims. These claims depend, respectively, from independent claim 48, 58 or 68 and, thus, incorporate the same distinguishing features. As the above paragraphs explained, *Gutta* and *Given* does not teach or suggest all the features of the independent claims, and *Gutta II* does not cure these deficiencies. *Gutta II* discloses an entertainment system that detects users. See U.S. Patent Application Publication 2002/0194586 to Gutta, *et al.* at paragraph [0018]. When users are detected, a composite profile is created. See *id.* at paragraph [0020]. Still, though, the combined teaching of *Gutta*, *Given*, and *Gutta II* fails to teach all the features of independent claims 48, 58 and 68. One of ordinary skill in the art, then, would not think that claims 50-51, 60-61, and 70-71 are obvious over *Gutta*, *Given*, and *Gutta II*. The Office is thus respectfully requested to remove the § 103 (a) rejection of these claims.


Rejection of Claims 52, 62 & 72 under § 103 (a)

The Office rejected claims 52, 62, and 72 under 35 U.S.C. § 103 (a) as being obvious over *Gutta* and *Given* in view of U.S. Patent 6,025,869 to Stas, *et al.*

Gutta, *Given*, and *Stas*, though, cannot obviate claims 52, 62, and 72. These claims depend, respectively, from independent claim 48, 58 or 68 and, thus, incorporate the same distinguishing features. As the above paragraphs explained, *Gutta* and *Given* do not teach or suggest all the features of the independent claims, and *Stas* does not cure these deficiencies. *Stas* describes a matrix that allows a supervisor (*e.g.*, a parent) to block/allow certain channels and times of use. Still, though, *Gutta*, *Given*, and *Stas* fails to teach all the features of independent claims 48, 58 and 68. One of ordinary skill in the art, then, would not think that claims 52, 62, and 72 are obvious over *Gutta*, *Given*, and *Stas*. The Office is thus respectfully requested to remove the § 103 (a) rejection of these claims.

If any questions arise, the Office is requested to contact the undersigned at (919) 469-2629 or scott@scottzimmerman.com.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Scott P. Zimmerman', with a stylized flourish at the end.

Scott P. Zimmerman
Attorney for the Assignee
Reg. No. 41,390